

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

The Financial Oversight and Management Board  
for Puerto Rico,

as representative of

The Commonwealth of Puerto Rico, et al.

Debtors.<sup>1</sup>

PROMESA  
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**STIPULATION AND AGREED ORDER REGARDING WITHDRAWAL OF PROOF  
OF CLAIM OF SIEMENS TRANSPORTATION PARTNERSHIP  
PUERTO RICO, S.E. (CLAIM NO. 189)**

The Puerto Rico Highways and Transportation Authority (the “HTA”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of HTA pursuant to section 315(b) of the *Puerto Rico Oversight*,

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5532-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

*Management, and Economic Stability Act* (“PROMESA”),<sup>2</sup> on the one hand, and Siemens Transportation Partnership Puerto Rico, S.E. (“Claimant”), on the other hand, hereby enter into this stipulation (the “Stipulation”) as follows:

### **RECITALS**

A. On May 21, 2017, the Oversight Board issued a restructuring certification pursuant to sections 104(j) and 206 of PROMESA and filed a voluntary petition for relief for HTA pursuant to PROMESA section 304(a), commencing a case under Title III thereof (the “HTA Title III Case”).

B. By operation of PROMESA and pursuant to PROMESA section 315(b), the Oversight Board is the representative of HTA in the HTA Title III Case.

C. The Court has subject matter jurisdiction over this matter pursuant to PROMESA section 306(a), and venue is proper in this District pursuant to PROMESA section 307(a).

D. On February 15, 2018, the Court entered an *Order (A) Establishing Deadlines and Procedures for Filing Proofs of Claim and (B) Approving Form and Manner of Notice Thereof* (the “Bar Date Order”) [Case No. 17-3283, ECF No. 2521], pursuant to which, among other things, the Court directed that creditors file proofs of claim in the Title III cases by the dates set forth in the Bar Date Order.

E. On August 18, 2017, Claimant filed Proof of Claim No. 189 (the “Claim to Be Withdrawn”) against HTA in the amount of \$13,000,000.00, asserting liabilities arising from that certain May 28, 2010 settlement agreement by and between, *inter alia*, Claimant and HTA

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<sup>2</sup> PROMESA is codified at 48 U.S.C. §§ 2101–2241.

regarding payments related to design and construction services provided by Claimant in connection with the Tren Urbano.

F. On November 29, 2018, the Government Development Bank for Puerto Rico, the Puerto Rico Fiscal Agency and Financial Advisory Authority, HTA, the Oversight Board, and Claimant, executed that certain settlement agreement (the “Settlement Agreement”), resolving, *inter alia*, the Claim to Be Withdrawn.

G. Pursuant to the Settlement Agreement, the parties agreed to file joint stipulations of dismissal with prejudice of, *inter alia*, the Claim to Be Withdrawn.

**NOW, THEREFORE**, in consideration of the foregoing, the parties hereby agree as follows:

**AGREEMENT**

1. The Claim to Be Withdrawn is hereby withdrawn in its entirety, with prejudice.
2. In connection with such withdrawal, the Title III Debtors’ claims and noticing agent, Kroll Restructuring Associates, LLC (formerly known as Prime Clerk, LLC), and the Clerk of the Court are authorized and directed to update HTA’s claims register maintained in the HTA Title III Case to reflect the withdrawal of the Claim to Be Withdrawn.
3. The parties hereto represent and warrant that they are duly authorized to enter into and be bound by this Stipulation. Nothing herein shall impair any right, power, or obligation or be considered a waiver of any such right, power or obligation the parties hereto have with respect to any valid and existing agreements between the parties hereto, which agreements remain in full force and effect and are not modified hereby.

4. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Stipulation.

5. This Stipulation may be executed in multiple counterparts, any of which may be transmitted by facsimile or electronic mail, and each of which will be deemed an original, but all of which together will constitute one instrument.

**STIPULATED AND AGREED TO BY:**

**PROSKAUER ROSE LLP**

/s/ Martin J. Bienenstock

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*Attorney for Claimant*

*Attorneys for the Financial Oversight  
and Management Board as  
representative for the Puerto Rico  
Highways and Transportation  
Authority*

**SO ORDERED ON JUNE \_\_, 2022**

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HON. LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

I certify that on the date hereof, a true and correct copy of the above and foregoing was served upon all parties via the Court's electronic case filing system (ECF).

/s/ Hermann D. Bauer

Hermann D. Bauer